

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA**

In re  
RANDALL B. MORRIS,

Case No. 05-31013-WRS  
Chapter 7

Debtor

SUSAN SHIROCK DEPAOLA, TRUSTEE,

Plaintiff

Adv. Pro. No. 05-3073-WRS

v.

RANDALL B. MORRIS SR., RANDALL  
B. MORRIS JR., and DONOVAN SHONE  
MINOR,

Defendants

**MEMORANDUM DECISION**

This Adversary Proceeding is before the Court upon the Motion for Default Judgment filed by Plaintiff Susan S. DePaola, the Trustee in the underlying bankruptcy case. (Doc. 7). It is alleged in the complaint that Defendants Randall B. Morris, Sr., Randall B. Morris, Jr., and Donovan Shone Minor acquired fee title to a parcel of real property as tenants in common on February 14, 2002. An incomplete description of the property is contained in the complaint. Notably, the County and State in which the property is located is not provided.

On April 7, 2005, Defendant Randall B. Morris, Sr., filed a petition in bankruptcy pursuant to Chapter 7 of the Bankruptcy Code, initiating Case No. 05-31013. It is further alleged that Randall B. Morris, Sr., the Debtor, transferred his interest in the subject real property to his son, Defendant Randall B. Morris, Jr., on April 19, 2005, twelve days after the petition in

bankruptcy was filed. DePaola seeks to avoid the transfer as a fraudulent conveyance as well as several other theories.

The Court's record indicates that all three Defendants have been served with process. (Docs. 4, 5 and 6). Moreover, the Court's record does not indicate that an answer has been filed. DePaola seeks judgment by default. (Doc. 7). The Court is of the view that entry of default should be made, in accordance with Rule 55(a), Fed. R. Civ. P., as made applicable by Rule 7055, Fed. R. Civ. P. In addition, the Court will enter judgment and set aside the transfer of the property in question upon the filing of a complete property description.

Done this 9<sup>th</sup> day of December, 2005.

/s/ WILLIAM R. SAWYER  
United States Bankruptcy Judge

c: Susan Shirock DePaola, Plaintiff  
Randall B. Morris Sr., Defendant  
Randall B. Morris Jr., Defendant  
Donovan Shone Minor, Defendant